

### **REMARKS**

Claims 1 - 19 are currently pending in this application. No new matter is added.  
Reconsideration of the rejected claims in view of the following remarks is respectfully requested.

#### ***Objection to Drawings***

The drawings were objected to because reference numeral 406, referred to on page 6, line 10, is not in Figure 4 of the drawing. By this amendment, original Figure 4 is replaced with Figure 4 on the attached replacement sheet. Figure 4 of the replacement sheet includes reference numeral 406 as shown on the replacement sheet. No new matter is added.

Accordingly, Applicants respectfully request that the drawing objection be withdrawn.

#### ***35 U.S.C. §103 Rejection***

##### ***Claims 1, 2, 9 - 12***

Claims 1, 2, 9 – 12 were rejected under 35 U.S.C. §103(a) for being unpatentable over U. S. Patent No. 6,457,099 issued to Gilbert ("Gilbert") in view of U. S. Patent No. 6,295,075 issued to Janay, *et al.* ("Janay"). This rejection is respectfully traversed.

##### ***The Invention***

The invention relates to the transmission of systems network architecture information through an Internet protocol network. More particularly, the invention relates to a method and system for users to locally select target applications located at a remote location and to access these target applications at their remote locations through a preferred Telnet 3270 client.

In embodiments, a method for selecting an application and launching a client in an Internet protocol (IP) network is provided. The method comprises the step of downloading a

kernel applet from a kernel applet repository. The kernel applet accesses an application selection processor repository, a selection screen repository, and one or more client repositories. By the kernel applet, an application selection processor from the application selection processor repository is downloaded and a selection screen from the selection screen repository is downloaded for locally selecting an application. That is, both a selection screen and an application processor are downloaded to the local computer via an applet from another repository. This allows locally selecting an application by the application selection processor and the selection screens, all via applet direction. Further included in the embodiment is downloading, by the kernel applet, a client applet or a client flat file containing necessary access parameters from a client repository for accessing the selecting application, launching the client within the workstation, and accessing the selected application using the client.

By use of the invention, the kernel applet will provide address information for downloading the application selection processor and selection screen, in a most updated configuration from the remote repository. The application selection processor and selection screen, in turn, will provide updated information for accessing and downloading client applications in another remote repository. In this manner, most updated and complete versions of client applications can be easily and assuredly accessed, locally.

Referring to the dependent claims, the application selection processor and the selection screen downloading processor may include the kernel applet gathering information about the local workstation, and accessing web server(s) repositories for application selection. The kernel applet checks whether the latest versions are available within the user workstation. If the latest versions are available within the user workstation, the kernel applet proceeds to a client downloading process. If the latest versions are not available within the user workstation, the kernel applet downloads the latest version(s). The kernel applet will also determine if an application is ever resident in the local computer. If not, then the application can be downloaded for the first time.

*Gilbert and Janay*

Gilbert does not show or teach downloading by a kernel applet an application selection processor or downloading a selection screen, for example, downloadable from a remote repository. Nor does Gilbert show or teach providing a method for downloading a set of applications, which are resident on remote servers to a local computer in order to gain access to these applications, via the applet. That is, Gilbert does not show downloading an applet which, in turn, is used to obtain an application selection processor and a selection screen. Nor does Gilbert teach or suggest, then, an application selection processor and selection screen used to obtain the most recent application from a remote server by having the application selection screen direct the user to the known applications on the remote servers.

Instead Gilbert shows a programmable dedicated application card (PDAC) system in which the PDAC contains applications which users may select. More specifically, Gilbert shows a network node 322 comprising a CIP 308, HCP 310 with I/O channels 312 and 314 and a user 320. The network node 322 is connected to a network administration program (NAP) 320 that coordinates communication with multiple network nodes. The method of Gilbert shows that the CIP when initialized and executed by the host system sends startup information to the PDAC (i.e., the card), if the PDAC exists, and receives information regarding applications within the PDAC in return. At this point, the CIS outputs a list of applications to a user for selection.

However, the Examiner asserts that col. 6, lines 1-13 discloses that the CIP is downloaded from a repository. But Applicants submit that there is no explicit disclosure of this at this cited passage. Instead, Gilbert discloses only that computer programs may be loaded over the communications interface 226. In any event, the Examiner specifically admits that the CIP is not downloaded in the 103(a) rejection of claims 3-7.

Nonetheless, the Examiner cites col. 7, lines 61-71 and col. 8, lines 1-9, to assert that the CIP downloads an application selection processor and a selection screen. Applicants respectfully disagree and submits that Gilbert simply discloses that the CIP sends the HCP input 314 comprising various startup information (col. 7, line 61-67) and when the user selects an application, sends the selection to the HCP for the appropriate application to be loaded (col. 8, lines 8-15), which the HCP performs. Nowhere does this citation (or anywhere else in Gilbert)

disclose or even remotely suggest that the CIP downloads an application selection processor as taught by the invention and recited by claim 1. Rather, the CIP of Gilbert is simply requesting the HCP to load a SW application from the card into memory as already selected by a user. This portion of Gilbert simply discloses that the CIP is simply directing the HCP to load a SW application from the card into memory as already selected by the user. Neither the HCP nor CIP is downloading an application selection processor.

Further, the service of the CIP/HCP is not the same or remotely similar to the application selection processor or the selection screen which provides access to remote service servers for downloading an application. In fact, nowhere in Gilbert does it mention downloading an applet which, in turn, is used to obtain an application selection processor and a selection screen which, in turn, is used to obtain the most recent application from a remote server. Additionally, simply using Java does not mean an applet is being downloaded as is understood by those skilled in the art.

Also, Gilbert does not show utilizing an application selection processor and a selection screen in order to obtain an application from another remote repository. Gilbert shows using the CIP to present a list of selections to a user and the CIP directing the HCP to load the corresponding selected application into memory for execution. Further, Gilbert does not disclose downloading a selection screen. Whereas, in the claimed invention an applet automatically downloads an application selection processor and a selection screen from a separate repository in order to provide application service information via the selection screen and application selection processor from another repository.

But the Examiner seems to be of the opinion that the CIP is capable of downloading a client applet. There is no disclosure in Gilbert that the CIP is capable of downloading a client applet; in fact, there is no disclosure or suggestion at all in Gilbert for using web browsers and applets as taught by the invention. As discussed above, Gilbert does not have an application selection processor nor an application selection processor repository, and thus does not disclose nor suggest the method of a workstation system of the claimed invention, including downloading by means of a kernel applet an application processor from an application selection processor from a repository, as set forth in claim 1.

Janay is cited for showing determining a client and downloading client software containing necessary parameters to communicate with a remote host. However, Janay shows a technique of allowing terminal emulators to communicate with remote hosts and downloading communication software to a terminal emulator. As such, Janay does not supply the missing features of Gilbert as discussed above.

Accordingly, for the reasons set forth above, claim 1 is allowable over the combination of Gilbert and Janay. Claims 2 and 9 - 12 are allowable over the combination of Gilbert and Janay at least for the reasons set forth above with respect to independent claim 1 from which they depend, as well as for their added features.

Applicants thus request that the rejection of claims 1, 2, and 9 – 12 be withdrawn.

***Claims 3 – 8 and 13***

Claims 3 - 7 are rejected under 35 U.S.C. § 103 (a) for being unpatentable over Gilbert in view of Janay and further in view of U.S. Patent No. 6,327,662 to Araujo (“Araujo”) and U.S. Patent No. 5,732,662 to Kullick, et al. (“Kullick”). Claims 8 and 13 were rejected as being unpatentable over Gilbert in view of Janay and further in view of U.S. Patent No. 64,893,307 to McKay et al. This rejection is respectfully traversed.

As noted above, claim 1 is in allowable condition. Consequently, claims 3 – 8 and 13 are allowable at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features.

In any event, none of the additional cited references either teach or suggest the missing features of Gilbert. These references, thus when combined together as suggested by the Examiner, will not provide, explicitly or through suggestion, all of the features of the claimed invention.

Applicants thus respectfully request that the rejection of claims 3 – 8 and 13 be withdrawn.

#### **Claim 14**

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of Janay and further in view of Araujo, Kullick and McKay. Applicants respectfully transverse this rejection for substantially the same reasons as presented above. Applicants now submit that the 103(a) rejection of claim 14 should now be withdrawn.

#### **Claims 15-19**

Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of Janay. Applicants respectfully traverse this rejection.

Independent claim 15 and dependent claims 16-18 are written as a means-plus-function claim such that, in order to reject such claim, the references must expressly or inherently perform a function identical to that of the means element, and the reference's structure for performing the function must be equivalent to that disclosed in the subject specification. *In re Donaldson Company, Inc.*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994). MPEP § 2182. In the presently claimed invention, there is no identity of function and the elements of the applied references are not identical in function to the claimed invention.

For example, the means for accessing from said workstation an application processor of the invention is not disclosed by any of the references. Nor is the means for downloading from one or more web servers an application selection processor disclosed by any reference. Further, the means for downloading the kernel applet from a kernel repository in a web server, nor is the means for downloading a selection screen from a screen repository shown in any reference.

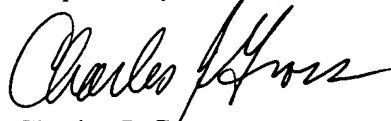
These examples are a few of the structures not identically shown by any reference and Applicants submit that a *prima facie* case of obviousness has not been demonstrated, and hence,

the 103(a) rejections over claims 15-18 and dependent claim 19 should now be withdrawn.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 09-0457.

Respectfully submitted,



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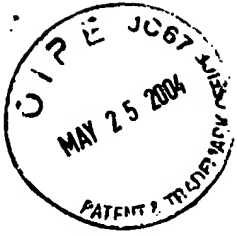
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ATTACHMENT: Replacement Figure 4

# REPLACEMENT SHEET

FR 9 99 036  
GIROIR ET AL  
4/7



## On Demand TELNET Client Downloading Process

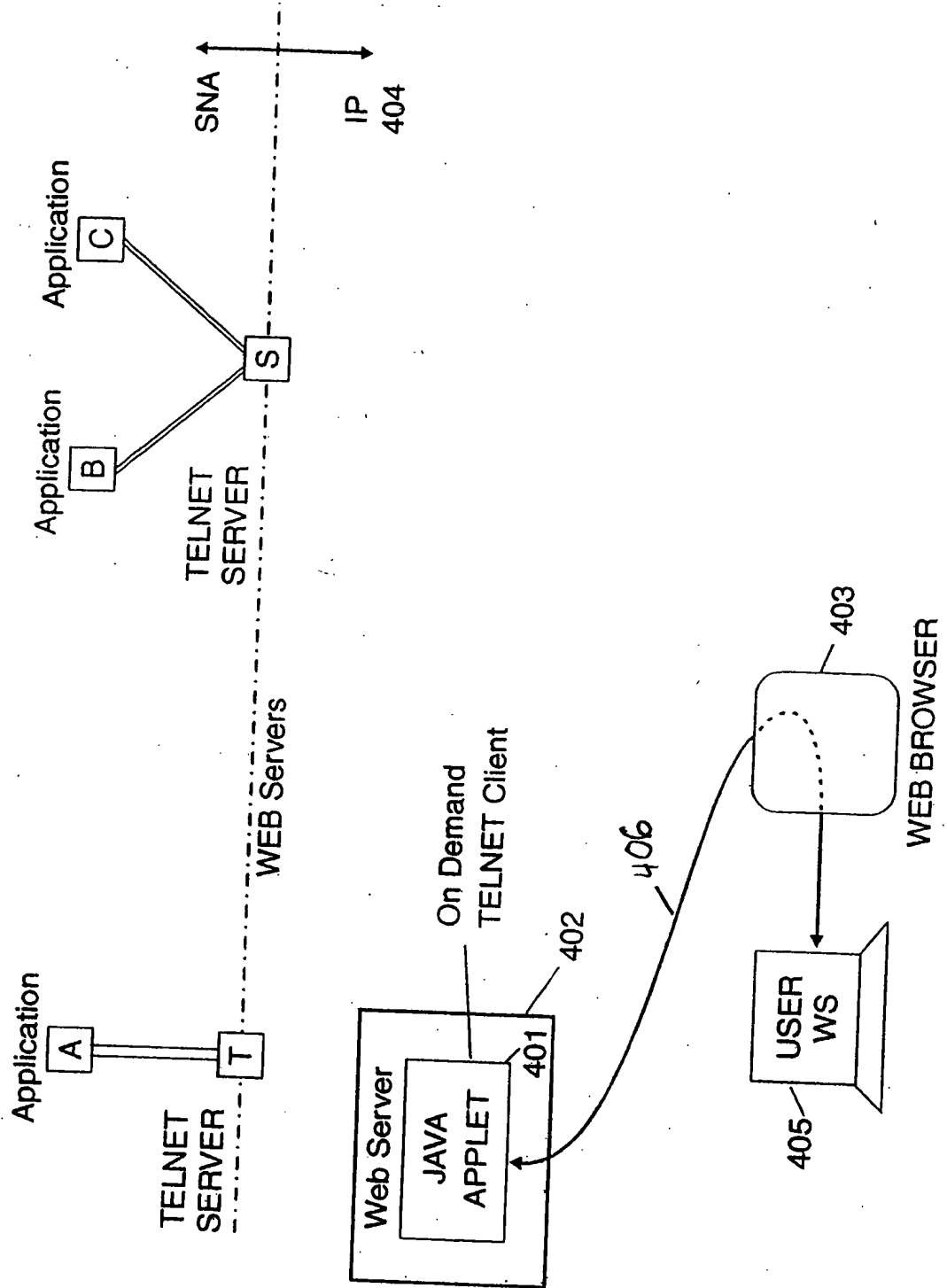


FIG. 4